



OFFICE OF  
**THE ATTORNEY GENERAL**

AUSTIN, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

Gerald C. Mann  
XXXXXXXXXXXX

*See notation  
on original file  
Nolan Co.*

Honorable Carl M. Anderson  
City Attorney  
Sweetwater, Texas

Dear Sir:

Opinion No. 0-1839  
Re: May city issue hospital  
revenue bonds?

Your request for an opinion on the following ques-  
tion has been received by this office:

May revenue bonds be issued against the  
municipal hospital to the extent of approxi-  
mately \$8,000.00 for the purpose of making  
certain extensions to the city hospital,  
without an election?

We respectfully call your attention to the fact that  
we are prohibited by law from advising city attorneys. How-  
ever, Article 4399, Revised Civil Statutes, provides, in  
part, that the Attorney General shall advise the proper legal  
authority in regard to the issuance of all bonds which the  
law requires shall be approved by him. We, therefore, submit  
the following as our opinion on your question:

The power to issue bonds for public improvements, or  
for money borrowed for the purpose of acquiring such improve-  
ments, is a power which is regarded as being beyond the scope  
of power of the governing body of a city or county unless it  
be specially granted. This extraordinary power, when granted,  
can be exercised only in the mode and for the purposes speci-  
fied in the grant.

Foster vs. City of Waco, 255 S.W. 1104;  
Keel vs. Pulte, 10 S.W. 692.

Honorable Carl M. Anderson, page #2

We know of no authority for the issuance of hospital revenue bonds.

The law making it possible for cities to issue revenue bonds provides that such bonds may be issued to build or purchase light systems water systems, sewer systems, sanitary disposal equipment, natural gas systems, parks and swimming pools, but no mention is made of hospitals. (Art. 1111-1118, R.C.S. of Texas).

It is the opinion of this department that a city has no authority to issue hospital revenue bonds for the purpose of making extensions to the city hospital.

In view of the foregoing answer we feel that it is unnecessary to discuss the question of the necessity of an election at this time.

Trusting that this answers your question, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (signed)

Claud O. Boothman,  
Assistant

CGB-a-jep

APPROVED FEB 24, 1940  
(signed) G. C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED: Opinion Committee,  
By B.W.B., Chairman.